

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 504

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Higher Education and the Arts and Water
and Land, to which was referred S.B. No. 504 entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Include only buildings, structures, objects, districts, areas, or sites that are significant in Hawaiian history, architecture, archaeology, engineering, or culture in the definition of "historic property";
- (2) Require the State Historic Preservation Division of the Department of Land and Natural Resources (SHPD) to initiate a pilot reconnaissance architectural survey project to inventory the historic buildings in the State;
- (3) Require SHPD to develop a list of types of projects that have no potential to affect a historic property and to provide the list to the public and the counties;
- (4) Require SHPD to develop lists of properties likely to be ineligible for inclusion on the Hawaii Register of Historic Places and to provide those lists to the counties; and



- (5) Require SHPD to identify properties that are likely to be eligible for inclusion on the Hawaii Register of Historic Places and notify the property owner of the property's likely eligibility.

Your Committees received testimony in support of this measure from the Department of Planning and Permitting of the City and County of Honolulu, Hawaii Association of REALTORS, Land Use Research Foundation, and one individual. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs, Building Industry Association of Hawaii, Society for Hawaiian Archaeology, Native Hawaiian Legal Corporation, Complete Construction Services Corp., and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources, County of Hawaii Planning Department, County of Maui Planning Department, Chamber of Commerce Hawaii, Historic Hawaii Foundation, Building Industry Association of Hawaii, Hawaii Geophysical Services, National Utility Locating Association, and one individual.

Your Committees find that there is a need to recognize the importance of historic preservation, the aging housing stock and rising housing prices, and the inefficiency of using limited State Historic Preservation Division funds to attempt to preserve single-family residences through a reactive building permit review instead of a proactive survey of historic properties.

Your Committees further find that thorough documentation of Hawaii properties eligible for historic preservation status is critical for the appropriate distribution of State resources and will provide a more accurate listing of historic properties on the Hawaii Register of Historic Places.

Your Committees have amended this measure by:

- (1) Amending the purpose section to more clearly articulate its purpose and intent;
- (2) Amending the definition of "historic property" by deleting the requirement that the property be significant in Hawaiian history, architecture, archaeology, engineering, or culture, and possess integrity of location, design, setting, materials, workmanship, feeling, or association, as well as meet other criteria;



- (3) Further amending the definition of "historic property" by adding language to clarify that privately owned single-family residences fifty years or older shall only be considered historic properties if the residence is listed on the Hawaii Register of Historic Places, is nominated for listing on the Hawaii Register of Historic Places, or is located in a historic district;
- (4) Deleting the requirements that SHPD:
 - (A) Initiate a pilot reconnaissance architectural survey project to inventory the historic buildings in the State;
 - (B) Develop a list of the types of projects that have no potential to affect a historic property and to post the list on the Department of Land and Natural Resource's website and provide the counties with the list no later than October 1, 2015; and
 - (C) Develop a list of properties that are not eligible for inclusion on the Hawaii Register of Historic Places and provide the list to the counties no later than January 2, 2016;
- (5) Inserting language requiring SHPD to conduct a survey, rather than develop a list, to identify potential historic districts and single-family residences, rather than all types of properties, that may be eligible for inclusion on the Hawaii Register of Historic Places;
- (6) Deleting the January 2, 2016, deadline for the requirement that SHPD notify property owners of likely eligibility of their properties for potential inclusion on the Hawaii Register of Historic Places;
- (7) Inserting language to require SHPD to submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2018;
- (8) Inserting blank appropriation amounts to the Department of Land and Natural Resources to carry out the purposes of this measure;



- (9) Inserting an effective date of July 1, 2050, to encourage further discussion;
- (10) Repealing this measure on December 31, 2018; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and the Arts and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 504, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 504, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Higher Education
and the Arts and Water and
Land,



LAURA H. THIELEN, Chair
BRIAN T. TANIGUCHI, Chair

Record of Votes
Committee on Higher Education and the Arts
HEA

*Only one measure per Record of Votes

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 504</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HEA/WTL, NAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">02.11.15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	X			
GALUTERIA, Brickwood (VC)				X
IHARA, Jr., Les		X		
RIVIERE, Gil	X			
RUDERMAN, Russell E.	X			
SHIMABUKURO, Maile S.L.	X			
SLOM, Sam				X
TOTAL	4	1	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes